IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPLICATION NO.6 OF 2006

The Commissioner of Income Tax,
City XIII, Bombay .. Petitioner
V/s
P.Gupta Corporation .. Respondent

WITH
INCOME TAX APPLICATION NO.7 OF 2006

The Commissioner of Income Tax,
City XIII, Bombay .. Petitioner
V/s
P.Gupta Corporation .. Respondent

WITH
INCOME TAX APPLICATION NO.8 OF 2006

The Commissioner of Income Tax,
City XIII, Bombay .. Petitioner
V/s
P.Gupta Corporation .. Respondent

Mr.A.S.Rao for the Petitioner.

CORAM : DR.S.RADHAKRISHNAN &
J.P.DEVADHAR, JJ.

DATE : 5th March, 2007.

P.C.:

1. Heard the learned Counsel for the Petitioner. The aforesaid Application No.6/2006 pertains to the Assessment Year 1986-1987, Application No.7/2006 pertains to Assessment Year 1985-1986 and the Application No.8/2006 pertains to the Assessment Year 1987-1988. In all the aforesaid applications the following question of law is sought to be raised:-

> "Whether on the facts and in the circumstances of the case, the Tribunal was right in law in upholding the order of the C.I.T.(Appeals) and directing the A.O. to allow depreciation on computer systems

leased to ICIM Ltd. and M/s.Hindustan Computer Ltd. by the assessee?"

2. The CIT (Appeals) by its order dated 20.9.1989, has clearly observed as under:-

> ".....Since the issue of ownership of the said computers has been decided in favour of the Appellant in those years, I follow the findings given in the Appellate orders for the said three years. In the circumstances, the claim of the appellant in regard to depreciation is admissible and the Assessing officer is directed to allow the same as per law after necessary verification. Subject to verification these two grounds of appeal are allowed."

3. In view of the above findings of facts, there is no substantial question of law involved in these Applications. Hence, all the aforesaid three Application stand dismissed.

(J.P.DEVADHAR, J.) **(DR.S.RADHAKRISHNAN,J.)**